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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/556,801	11/14/2005	Brian T. McNamara	60429-239; OT-5146	1788

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EXAMINER	
KRUER, STEFAN	
ART UNIT	PAPER NUMBER
3654	

MAIL DATE	DELIVERY MODE
08/07/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	**Application No.** 10/556,801	**Applicant(s)** MCNAMARA ET AL.	
	Examiner Stefan Kruer	**Art Unit** 3654	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 July 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.
   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: _____.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☒ Other: The replacement drawing filed 22 July 2008 is acceptable..

/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3654

Continuation of 11. does NOT place the application in condition for allowance because: Applicant has argued that the active hitch (36) of Fuller et al does not comprise a damper (56) as indicated by the examiner; but rather, the element (56) of Fuller et al is an "…active force actuator…" that is "…frozen in a single position and does (sic) not operate as a "damper" that reduces motion after a bias of an (sic) elastic element is overcome" Applicant is correct in the term "active force actuator" as obtained from the disclosure of Fuller et al; however, in accordance with the abstract of Fuller et al, said actuators comprise "…the variable extension… controlled for varying the vertical position of the elevator car along the elevator flight path for damping at least the high frequency components of elevator car vertical oscillations" (Abstract). Said actuators are "active" and therefore controlled, whereas the elastic elements (52) of Fuller et al are passive "actuators" mounted in series with the "active" actuators, whereby the active actuator "… provides for fast enough attenuation such that the rope oscillations are essentially eliminated" (Col. 3, L. 20). With respect to the bias of the elastic elements of Fuller et al not acting in series with a damper (56), whereby the bias of the elastic elements is not overcome prior to the damper (56) reducing motion, as reviewed, the elastic elements of Fuller et al are passive "actuators" that "… provide partial support for the elevator car so that the active elements 56 do not need to support the static load of the elevator car." (Col. 4, L. 54), in keeping with the serial placement and operation of the passive actuators vis-à-vis the active actuators (damper). Consequently, a bias of the elastic element is overcome in advance of an operation of the (active) damper.

That the damper of Fuller et al can provide an algorithmically defined stroke following a braking operation to accommodate the embarkation/disembarkation of passengers does not contradict the claim language.

Miyoshi et al are cited for teaching the use of terminations associated with an end of their load bearing- and tension members. Therefore, Miyoshi et al teach the application of terminations on both suspension- and compensating belts, thereby affording damping approximate the terminations of suspension- and compensating belts.

The use of a plurality of belts in lieu of a single belt for load-bearing- and/or tension members is well known in the art.

Furthermore, with respect to the diameter of a sheave, Applicant is correct that Baranda et al addresses the sheave diameter with respect to a traction sheave and reviews the diameter of their traction sheave in relation to an aspect ratio of their belt; however, as noted in the office action, Ach teaches the use of standard, large diameter sheaves to minimize noise and Baranda et al teach further a sheave diameter of 320 mm and a belt having an aspect ratio and corresponding tension members whereby a belt thickness of "approximately 10 mm and a width of approximately 30 mm" is taught, for the reduction of rope pressure. With the teaching of Ach wherein standard, large diameter sheaves minimize noise and the further review by Baranda et al, a sheave diameter of "… about 290 mm to about 330 mm" is commensurate with the teachings of the prior art, for the reduction of noise and operating costs (enhanced (rope) service life).